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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,155	08/26/2003	Robert Gazda	I-2-0353.2US	3682
24374	7590	01/29/2008		
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,155

Applicant(s)

GAZDA ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMPSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The request for continued examination and amendment filed on October 30, 2008 has been received and entered. The amendment amended Claim 1 and cancelled claims 2-5, and added new claims 6-9. The currently pending claims considered below are Claims 1 and 6-9.

Claim Objections

2. Claim 1 is objected to because of the following informalities: the recited claimed limitation "An operating system abstraction layer". The first letter of the word "An" is capitalized. The examiner considers this as typographical error from the applicant.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **LaRosa et al. (US 6628965)**, in view of **Blaser et al (20030233647)**.

Claim 1, LaRosa teaches A wireless communication device comprising:

a system processor(col. 9, lines 42-67) further comprising;

An operating system abstraction layer (FIG. 1; col.22, lines 40-55) further comprising:

an operating environment, the operating environment operating independent of underlying operating systems or hardware structure , and wherein the operating environment hides underlying operating systems from its client applications (FIG. 1; col.9, lines 41-59);

However, LaRosa does not explicitly teach an Operating System Adaptive Port Interface (OS API) configured to map operating environment entities to the underlying operating system (OS) wherein client software components access the operating environment via the OS API using a global header file; a plurality of operating system (OS) independent modules configured to perform operations that are not related to a target operating system said operating system independent modules either providing all functionality without the OS, or utilizing OS dependent constructs via the OS API ; and a plurality of operating system dependent modules configured to perform operations that are related to the target operating system wherein a separate implementation appears for each target operating system.

Whereas, in the same field of endeavor Blaser explicitly discloses a layered computing systems including:

an Operating System Adaptive Port Interface (OS API) (FIG. 3: 312) configured to map operating environment entities to the underlying operating system (OS) wherein client software components (FIG. 3:302) access the operating environment via the OS API using a global header file (paragraph 85-86).;

a plurality of operating system (OS) independent modules configured to perform operations that are not related to a target operating system said operating system independent modules either providing all functionality without the OS, or utilizing OS dependent constructs via the OS API (Fig. 3: 306/302; paragraph 86); and

a plurality of operating system dependent modules configured to perform operations that are related to the target operating system wherein a separate implementation appears for each target operating system (Fig. 3: 316, paragraph 86).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify LaRosa's invention with Blaser's invention to include such abstraction layer that would provide users a greater degree of flexibility and reliability to a system platform accessible by third party applications. One would be motivated to include this abstraction layered system in order to provide a convenient container to limit access to an application (Blaser's; paragraph 40). Therefore to improve security access.

As to Claim 6, LaRosa teaches, wherein the abstraction layer utilizes a naming convention to specify which modules are OS dependent and which are OS independent

(col. 12, lines 10-20).

As to claim 7, LaRosa teaches, wherein the abstraction layer comprises a plurality of OS constructs, the plurality of OS constructs further comprising: a Thread, said thread including an independent path of execution; a Process, said process including an independent path of execution with its own protected address space; a Thread Group, said Thread Group including a grouping of threads, managed collectively to synchronize their execution; a Mutex, said Mutex including a Thread synchronization element providing mutual exclusion to shared resources; and an Event, said Event including a Thread synchronization element, allowing threads to coordinate execution (FIG. 3A, col. 11, lines 51-67 and col. 12, lines 1-1; FIG. 3B).

As to claims 8-9, they are rejected for the same reasons as the claims above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Montes (2004016203) discloses a radiocommunication module executing a main software and a client software comprising several client applications.

Schaefer (7028305) discloses an operating system abstraction and protection layer.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS
January 15, 2008


WILLIAM THOMSON
SUPERVISOR/PATENT EXAMINER